

**SENATE JOURNAL  
63RD LEGISLATURE  
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 7, 2013

Senate Chambers  
State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Richard Francesco. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Priest and Walker, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair):

3/7/2013

Correctly printed: **SB 58, SB 191, SB 231, SB 294, SB 377, SB 378, SB 379, SJR 21, SR 14, SR 15, HB 142, HB 179, HB 261, HB 264.**

Correctly enrolled: **SR 9.**

Examined by the sponsor and found to be correct: **SR 9.**

Transmitted to the House: **SB 200, SB 301, SB 357, SJR 15, HB 28, HB 123, HB 190, HB 212.**

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Murphy, Chair):

3/6/2013

**HB 45**, be concurred in. Report adopted.

**HB 129**, be concurred in. Report adopted.

**HB 131**, be concurred in. Report adopted.

**HB 172**, be concurred in. Report adopted.

**JUDICIARY** (Murphy, Chair):

3/7/2013

**HB 205**, be concurred in. Report adopted.

**HB 302**, be amended as follows:

1. Page 2, line 6.

**Strike:** "(1)"

2. Page 2, line 9.

**Strike:** "(a)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

3. Page 2, line 12 through page 2, line 22.

**Strike:** subsection (2) through subsection (3) in their entirety

And, as amended, be concurred in. Report adopted.

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**LOCAL GOVERNMENT** (Buttrey, Chair):  
**HB 50**, be amended as follows:

3/6/2013

1. Title, line 6.

**Strike:** "SANCTUARY"

**Insert:** "ANTICOOPERATION"

2. Title, line 6.

**Strike:** "REQUIRING"

**Insert:** "ALLOWING FOR"

3. Page 1, line 12.

**Strike:** "sanctuary"

**Insert:** "anticooperation"

4. Page 1, line 13.

**Strike:** "a sanctuary"

**Insert:** "an anticooperation"

5. Page 1, line 14.

**Strike:** "a sanctuary"

**Insert:** "an anticooperation"

6. Page 1.

**Following:** line 25

**Insert:** "(a) "Anticooperation policy" means a regulation, rule, policy, or practice adopted by a local governing body that prohibits or restricts local officials or employees from taking any of the following actions with respect to information regarding a person's immigration status:

(i) sending information to or requesting or receiving immigration status information from federal officials or law enforcement officers while the local official or employee is acting within the scope of the local official's or employee's official duties;

(ii) maintaining immigration status information;

(iii) exchanging immigration status information with any federal or state governmental entity or local governing body;

(iv) determining eligibility for any public benefit, service, or license provided by federal law or a law of this state or its political subdivisions;

(v) verifying a claim of residence or domicile if a determination of residence or domicile is required under federal law or a law of this state or its political subdivisions or under a judicial order issued pursuant to a civil or criminal proceeding in this state;

(vi) confirming the identity of a person who is detained by law enforcement officials;

(vii) determining whether a person is in compliance with the federal registration laws prescribed by Title II, chapter 7, of the Immigration and Nationality Act, 8 U.S.C. 1301, et seq., if the person is an alien; or

(viii) acting in any other manner that violates the provisions of 8 U.S.C. 1373 and 1644."

**Renumber:** subsequent subsections

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7. Page 2, line 9 through line 29.

**Strike:** subsection (f) in its entirety

8. Page 4, line 12.

**Strike:** "sanctuary"

**Insert:** "anticooperation"

9. Page 4, line 13.

**Strike:** "a sanctuary"

**Insert:** "an anticooperation"

And, as amended, be concurred in. Report adopted.

**HB 194**, be amended as follows:

1. Page 3, line 7.

**Strike:** "\$50,000"

**Insert:** "the amounts provided in 7-5-2301 and 7-5-4302"

And, as amended, be concurred in. Report adopted.

**HB 258**, be amended as follows:

1. Title, line 6.

**Following:** "NOTICE;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.

**Following:** line 25

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Senator Lewis moved **HB 320** be moved from the Joint Select Committee on Pensions to the State Administration committee. Without objection, so ordered.

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 380**, introduced by Vincent, referred to Fish and Game.

**SB 381**, introduced by Vincent, referred to Fish and Game.

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 16**, introduced by Tutvedt, referred to Taxation.

**SR 17**, introduced by Sonju, referred to Business, Labor, and Economic Affairs.

**SR 18**, introduced by Sonju, referred to Business, Labor, and Economic Affairs.

**SR 19**, introduced by Sonju, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

**HB 6**, introduced by Cook (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 7**, introduced by Cook (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 120**, introduced by Ingraham (by request of the Secretary of State), referred to State Administration.

**HB 168**, introduced by D. Moore, Hansen, Hansen, C. Smith, referred to Judiciary.

**HB 178**, introduced by Price, Ehli, Boland, Brockie, Coffin, Eck, Gursky, Hill, Hunter, Jacobson, McChesney, McClafferty, McNally, Mehlhoff, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Squires, Steenberg, Swanson, Whitford, Wilmer, and Woods, Boland, Brockie, Coffin, Court, Eck, Gursky, Hill, Hunter, Jacobson, McChesney, McClafferty, McNally, Mehlhoff, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Squires, Steenberg, Swanson, Whitford, Wilmer, and Woods, referred to Highways and Transportation.

**HB 216**, introduced by Doane, Ankney, G. Bennett, Berry, Galt, Halvorson, Harris, Ingraham, Knudsen, Osmundson, Randall, Redfield, Warburton, referred to Highways and Transportation.

**HB 229**, introduced by Reichner, referred to Judiciary.

**HB 240**, introduced by C. Smith, Ballance, G. Bennett, Blasdel, D. Brown, Doane, Fielder, Fiscus, Galt, Halvorson, Hansen, Howard, Jackson, Kary, Kerns, Knudsen, Lang, Lenz, McNiven, Miller, D. Moore, Osmundson, Randall, Redfield, Regier, Sales, Vance, Wagoner, Warburton, Washburn, Webb, White, Zolnikov, referred to Education and Cultural Resources.

**HB 259**, introduced by Hunter, Facey, Keane, Larsen, Rosendale, Thomas, Bangerter, Berry, Boland, Clark, Court, Cuffe, Curtis, Dudik, Eck, Greef, Hagan, Hill, Hollenbaugh, Jacobson, Kary, Lang, Lieser, Lynch, MacDonald, Mehlhoff, Miller, D. Moore, Neill, Noonan, O'Hara, Peppers, Price, Reichner, Salomon, C. Smith, Squires, Steenberg, and Welborn, referred to Highways and Transportation.

**HB 265**, introduced by Fitzpatrick, Noonan, referred to State Administration.

**HB 299**, introduced by Warburton, Ankney, Arntzen, G. Bennett, Berry, Blasdel, Brenden, Brockie, Brodehl, Buttrey, Connell, Cook, Doane, Dudik, Eck, Flynn, Galt, Glimm, Greef, Hagan, Halvorson, Hansen, Harris, Hertz, Hollenbaugh, Hoven, Howard, Jergeson, D. Jones, Knudsen, Lang, Lenz,

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Lieser, McChesney, McNally, Pease-Lopez, Randall, Redfield, Reichner, Rosendale, Salomon, Shaw, B. Smith, Stewart-Peregoy, Wagoner, Washburn, Welborn, Windy Boy, referred to Highways and Transportation.

**HB 310**, introduced by C. Smith, G. Bennett, Berry, Blyton, Brodehl, Doane, Edmunds, Fiscus, Fitzpatrick, Flynn, Glimm, Hagan, Halvorson, Hansen, Hertz, Howard, D. Jones, Knudsen, Lang, Laszloffy, Lenz, McNiven, O'Hara, Osmundson, Redfield, Regier, Salomon, Shaw, Vance, Wagoner, Welborn, White, referred to Public Health, Welfare and Safety.

**HB 314**, introduced by Kary, Fiscus, D. Jones, Lenz, C. Smith, Webb, Zolnikov, referred to Local Government.

**HB 329**, introduced by Brodehl, Blasdel, Blyton, Ehli, Fiscus, Harris, Howard, Kary, Knudsen, McNiven, O'Hara, O'Neil, Regier, C. Smith, Vance, White, referred to State Administration.

**HB 344**, introduced by Hoven, referred to Agriculture, Livestock and Irrigation.

**HB 352**, introduced by Fitzpatrick, referred to Judiciary.

**HB 355**, introduced by Clark (by request of the Attorney General), referred to Judiciary.

**HB 365**, introduced by Steenberg, Ehli, Lenz, Osmundson, Squires, referred to Public Health, Welfare and Safety.

**HB 369**, introduced by Fitzpatrick, referred to Judiciary.

**HB 385**, introduced by Lavin, referred to Judiciary.

**HB 391**, introduced by G. Bennett, Ballance, Blasdel, Blyton, Brodehl, T. Brown, Ehli, Fiscus, Fitzpatrick, Glimm, Hansen, Harris, Ingraham, Jackson, Knudsen, Laszloffy, Lavin, Lenz, Lewis, O'Hara, Osmundson, Randall, Regier, Taylor, Vance, Wagoner, Walker, Washburn, Webb, Windy Boy, Zolnikov, referred to Judiciary.

**HB 399**, introduced by Ballance, Cuffe, Thomas, Vincent, Woods, referred to Agriculture, Livestock and Irrigation.

**HB 417**, introduced by Flynn, Galt, Harris, MacDonald, F. Moore, Randall, Rosendale, Wagoner, referred to Energy and Telecommunications.

**HB 554**, introduced by B. Smith, referred to State Administration.

**HB 555**, introduced by Hill, referred to Judiciary.

**HB 562**, introduced by Swanson, referred to Local Government.

**HB 564**, introduced by Edmunds, referred to Natural Resources.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 11**, introduced by Regier, referred to Energy and Telecommunications.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 261** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

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Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Walker.

Total 2

**SB 294** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Walker.

Total 2

**SB 191** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 37

Nays: Arntzen, Boulanger, Brenden, D. Brown, Fielder, Jackson, Sales, Sonju, Vincent, Wittich, Mr. President.

Total 11

Absent or not voting: None.

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Total 0

Excused: Priest, Walker.

Total 2

**SB 58** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 35

Nays: Boulanger, Brenden, T. Brown, Jackson, Peterson, Rosendale, Sales, Taylor, Thomas, Vincent, Webb, Wittich, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: Priest, Walker.

Total 2

**SB 231** passed as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 30

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Moore, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Webb, Wittich, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: Priest, Walker.

Total 2

The "Expressions of Silence", a group of fifth through twelfth graders from the Montana School for the Deaf and Blind, performed for the Senate.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator F. Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 199** - Senator Keane moved **HB 199** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 44

Nays: Kaufmann, Malek, Thomas, Van Dyk.

Total 4

Absent or not voting: None.

Total 0

Excused: Priest, Walker.

Total 2

**HB 243** - Senator Facey moved **HB 243** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Priest, Walker.

Total 2



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Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair F. Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Priest, Walker.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, March 8, 2013, the fiftieth legislative day. Motion carried.

Senate adjourned at 1:36 p.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate